

m 1035/022

Front Gate Homes

5635 South Waterbury Way Suite. C-100

Salt Lake City, Utah 84121

Phone: (801) 274-3037

Fax: (801) 274-3062

Fax Cover Sheet**Date:** *March 17, 2005***Fax to:** *Penny***Company:** *State of Utah***Phone Number:** *(801) 538-5340***Fax Number:** *(801) 359-3940***From:** *Kathi Hawkes***Pages:** *6* *(Including Cover Sheet)***Comments:** *If you have any questions please call.*

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RECEIVED**MAR 17 2005**

DIV. OF OIL, GAS & MINING

*4:00 P.M.**PAB*

Environmental concern.

This correspondence is to serve the Utah department of Oil, Gas and Mining notice that Balfour Beatty Mountain Homes/ Front Gate Properties is formally appealing the cessation order delivered March 17, 2005. (cessation order # MC-2005-03-01-01).

We are also requesting a stop work conference.

Regards,
Tom Gyuro
Project Manager 381-0184



OLENE S. WALKER
Governor
GAYLE F. McKEACHNIE
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Oil, Gas & Mining

ROBERT L. MORGAN
Executive Director
LOWELL F. BRAXTON
Division Director

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Notice of Violation ☐ No. _____Cessation Order ☐ No. MC-2005-03-01-01

CERTIFIED RETURN RECEIPT # 7099-3400-0016-8896-1256 and
7099-3400-0016-8896-1348 (Attorney Bruce Baird)
To the following Permittee or Operator: CRR mailed 3/18/05 10:30 a.m.

Permittee/Operator Name: Bluffdale Mountain Homes/Front Gate PropertiesMine Name: _____ ☒ Surface ☐ Underground ☐ OtherCounty: Salt Lake State: Utah Telephone Number: _____Business Address: 5635 Waterbury Way, Suite C100, Salt Lake City, Utah 84121Permit Number: Unpermitted: Assigned number M/035/022Ownership Category: ☐ State ☐ BLM ☐ USFS ☒ Fee ☐ OtherDate of Inspection: March 15, 2005 Time: 9:15 a.m. ☐ p.m. to 10:30 a.m. ☐ p.m.

Under authority of the Utah Mined Land Reclamation Act, Section 40-8-1 et seq., *Utah Code Annotated*, 1953, the undersigned authorized representative of the Division of Oil, Gas, and Mining has conducted an inspection of above mine on above date and has found that a Notice of Violation or Cessation Order must be issued with respect to the conditions, practices, or violations listed. In accordance with Section 40-8-9, *Utah Code Annotated*, you are ordered to cease immediately the operations or activity described and to perform the required actions described within the designated time for abatement.

The undersigned representative finds that this order ~~XX~~ does require cessation of all mining;☐ does not require cessation of all mining.

For this purpose, "mining" means development of, or extraction of a mineral deposit, including transportation within or from the mine site, concentrating, milling, evaporation, or other processing. Mining and/or reclamation operations not directly the subject of this order shall continue while this order is in effect. You are responsible for doing all work in a safe and workmanlike manner.

This order shall remain in effect until it is modified, terminated or vacated by written notice of an authorized representative of the director of the Division of Oil, Gas, and Mining.

Date of service/mailling: 3/17/05Time of service/mailling 10:40 a.m. ☐ p.m.

Tom Gyuro
Permittee or Operator Representative

Project Manager
Title

Signature

Paul B. Baker
Division of Oil, Gas & Mining Representative

Reclamation Biologist
Title

Signature

SEE REVERSE SIDE

1594 West North Temple, Suite 1210, PO Box 145801, Salt Lake City, UT 84114-5801
telephone (801) 538-5340 • facsimile (801) 359-3940 • TTY (801) 538-7223 • www.ogm.utah.gov

Utah!
Where Ideas connect™

IMPORTANT - READ CAREFULLY**1. PENALTIES.**

a. **Proposed assessment.** The Division of Oil, Gas, and Mining (DOGM) assesses fines based upon a proposed assessment recommended by an assessment officer. You may submit written information pertaining to violation(s) covered by this order within 15 days of the date this notice or order is served on you or your agent. Information will be used by the assessment officer in determining facts surrounding the violation(s) and amount of penalty. A representative of the DOGM will serve the proposed assessment on you or your agent within 30 days of issuance of notice or order.

b. **Assessment.** The penalty will be final unless you or your agent file a written request within 15 days of receipt of proposed assessment for an informal hearing before the assessment officer.

For each violation included in this notice, a penalty of up to \$5,000 may be assessed for each separate day the violation continues.

If you fail to abate any violation within the time set for abatement or for meeting any interim step, you will be assessed an additional minimum penalty of \$750 for each day of continuing violation beyond the time set for abatement. In addition, if you fail to abate any violation as required you will be issued a Cessation Order requiring you to cease mining operations on the portion of the operations relevant to the violation.

2. STOP WORK CONFERENCE.

A Stop Work Conference may be requested if this notice requires cessation of all mining. On the reverse of this page, the authorized representative has made a finding as to whether or not this notice requires cessation of all mining. (See Utah Admin. R.647-6-102.4 et seq.)

You must request the Stop Work Conference within 30 days after service of this Cessation Order. The conference must be held within 5 days of your request. You will be notified of the date, time, and location of the conference.

Penny Berry
801-538-5340

Please send your conference request to:

Administrative Secretary
Associate Director of Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

3. FORMAL REVIEW AND TEMPORARY RELIEF.

You may apply for review of this notice, order or proposed assessment before the Board of Oil, Gas, and Mining by submitting an application for hearing within 30 days of receipt of notice or assessment by you or your agent. Apply to:

Secretary
Board of Oil, Gas, and Mining
1594 West North Temple, Suite 1210
PO Box 145801
Salt Lake City, Utah 84114-5801

If applying for a formal board hearing, you may submit with your petition for review a request for temporary relief from this notice. Procedures for obtaining a formal board hearing are contained in the board's Rules of Practice and Procedure and in Utah Admin. R. 647-5 et seq.

4. INDIVIDUAL CIVIL PENALTIES.

An additional individual civil penalty of up to \$5000 per day may be assessed against any corporate director, officer, or agent who knowingly and willfully authorized, ordered or carried out a violation or who fails or refuses to comply with an order.

For further information, consult *Utah Code Annotated* Section 40-8-9, 9.1, Utah Admin. R. 647-6, 7, 8 seq. or contact the Division of Oil, Gas, and Mining at (801) 538-5304.

Notice of Violation / Cessation Order NO. MC-2005-03-01-01Violation No. 1 of 1Page 3 of 3

Nature of condition, practice, or violation:

Failure to file and gain approval for a Notice of Intention to Commence Large Mining Operations prior to commencing large mining operations.

Failure to submit a reclamation surety prior to commencing large mining operations.

Provisions of act, regulations, or permit violated:

R647-4-101; R647-4-113; UCA 40-8-7(1)(a); UCA 40-8-7(1)(c)

(Check box if appropriate:)

- ☒ Condition, practice, or violation is creating an imminent danger to health or safety of the public.
☒ Permittee/Operator is/has been conducting mining activities without a permit.
☒ Condition, practice, or violation is causing or can reasonably be expected to cause significant, imminent environmental harm to land, air, or water resources.
☐ Permittee or Operator has failed to abate Violation(s) No. _____ included in Notice of Violation No. or Cessation Order No. M _____ within time for abatement originally fixed or subsequently extended.

Mining activity to be ceased immediately:

All mining activity must cease immediately.

Affirmative obligation(s) or required action and abatement time (if applicable):

Within 30 days of receipt of this cessation order, file a complete Notice of Intention to Commence Large Mining Operations (LMO-NOI). Before operations may recommence, the operator must receive approval of the LMO-NOI including approval of the form and amount of reclamation surety.

Alternatively, within 30 days of receipt of this notice, file a plan for reclamation of the site addressing all pertinent R647 rules for performing reclamation at a large mine site. This plan must include a timetable for completing reclamation which, if this option is chosen, the Division will enforce. The operator must also meet all appropriate reclamation standards.

jb

cc: Mark Mesch and Daron Haddock, DOGM
File

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NOV/CO

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"Gravel" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 2mm and 10mm, which has been deposited by sedimentary processes.

"Mining operations" means those activities conducted on the surface of the land for the exploration for, development of, or extraction of a mineral deposit, including, but not limited to, surface mining and the surface effects of underground and in situ mining; on-site transportation, concentrating, milling, evaporation, and other primary processing. "Mining operation" does not include: the extraction of sand, gravel, and rock aggregate; the extraction of oil and gas; the extraction of geothermal steam; smelting or refining operations; off-site operations and transportation; or reconnaissance activities which will not cause significant surface resource disturbance and do not involve the use of mechanized earth-moving equipment such as bulldozers or backhoes.

"Rock Aggregate" means those consolidated rock materials associated with a sand deposit, a gravel deposit, or a sand and gravel deposit, that were created by alluvial sedimentary processes. The definition of rock aggregate specifically excludes any solid rock in the form of bedrock which is exposed at the surface of the earth or overlain by unconsolidated material.

"Sand" means a naturally occurring unconsolidated to moderately consolidated accumulation of rock and mineral particles, the dominant size range being between 1/16mm to 2mm, which has been deposited by sedimentary processes.
